

UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

KENNETH EARL SMITH

Debtor(s)

Case No. 21-01545

Chapter 13

Hon. James W. Boyd

Filed: June 21, 2021

FIRST PRE-CONFIRMATION PLAN AMENDMENT

HISTORY:

- The Original Chapter 13 Plan was filed on 6/21/21 [DN6]

PURPOSE:

- This Plan Amendment amends Paragraph II.A. to adjust Debtor's initial monthly Plan Payment step up and implement a second monthly Plan Payment step up.
- This Plan Amendment amends Paragraph III.C.1.b. to update name of creditor, monthly payment and arrearage and escrow information.
- This Plan Amendment amends Paragraphs III.D. and III.E. to provide treatment and direct pay for Debtor's rent-to-own executory lease.

This amendment affects the above referenced paragraphs only. All other provisions of the plan, as amended, remain unaffected by this amendment.

A limit on the amount of a secured claim, set out in Paragraph III.C.2.c and III.C.1.g., which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Paragraph IV.R.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Nonstandard provisions, set out in Paragraph IV.R.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

II. FUNDING

A. PLAN PAYMENT. The Debtor(s) shall make payments in the amount of \$1,100 per () week, () bi-weekly, () semi-monthly, (XX) month for the minimum of the ACP, subject to changes as set forth in paragraph II.B or II.C, below, or until further order of the Court.

B. (XX) FUTURE PLAN PAYMENT INCREASES.

The Debtor(s) shall increase payments by ~~\$300.00~~ ~~\$375.00~~ per () week, () bi-weekly, () semi-monthly, (XX) monthly effective January 2022 due to Debtor expecting return to work fulltime (monthly payment of ~~\$1,400~~ ~~\$1,475~~).

The Debtor(s) shall increase payments by ~~\$223.00~~ per () week, () bi-weekly, () semi-monthly, (XX) monthly effective ~~June 2022~~ due to ~~Debtor's direct pay lease to own to Aaron's Sales and Leasing being paid off (monthly payment of \$1,623).~~

III. DISBURSEMENTS**C. SECURED CLAIMS.****1. Real Property:**

b. Principal Residence Post-Petition Mortgage Payments and Prepetition Arrears: The following is the street address and the tax ID parcel no. for the principal residence of the Debtor(s):

Residence address and tax parcel ID no. 6608 Steele Highway, Eaton Rapids, Michigan #060-007-400-020-00

Creditor Name	Estimated Monthly Payment Amount ⁱ	Estimated Arrears ⁱⁱ	Taxes & Insurance Escrowed With Lender? Y/N	Trustee Pay Y/N
#1 CTF Asset Management (FCI Lender Services, Inc.) MILA Inc.	\$874.26 \$689.00	\$24,762.29 \$22,000.00	Y – Taxes; N - Insurance	Y
#2 MSHDA	\$0.00	\$0.00	N	N

() Mortgage principal and interest on one or more mortgages on the principal residence to be paid in full over life of plan under 11 U.S.C. § 1322(c)(2). Please see Provision IV.R.

- D. **ASSUMED EXECUTORY CONTRACTS AND UNEXPIRED LEASES.** The following executory contracts and/or unexpired leases, including land contract(s), are assumed:

Non-Debtor Party's Address & Account No. (indicate payee or payor)	Property Description	Monthly Payment Amount	No. of Months Remaining	Cure Amount
Aaron's Sales & Lease, 400 Galleria Pkwy SE, Ste 300, Atlanta, GA 30339 # 300354792759067	Lawn Mower	\$223.00	11	\$0.00

- E. **DIRECT PAYMENT BY THE DEBTOR(S) OF THE FOLLOWING DEBTS.** All claims shall be paid by the Trustee unless listed herein:

Creditor, Address & Account No.	Collateral/Obligation	Balance Owning	Interest Rate
MSHDA, 735 E. Michigan Ave., Lansing, MI 48909	6608 Steele Highway, Eaton Rapids, Michigan (Debtor's Residence)	\$30,000.00	Unk.
Aaron's Sales & Lease, 400 Galleria Pkwy SE, Ste 300, Atlanta, GA 30339 # 300354792759067	Lawn Mower	\$223.00/mo	n/a

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ⁱ The monthly payment amount is an estimate and the Trustee shall pay the monthly payment amount based on the proof of claim as filed. The Plan authorizes the Trustee to make post-petition regular mortgage or land contract payments prior to the proof of claim being filed. This provision does not preclude any party in interest from filing an objection to the claim.

ⁱⁱ The amount of prepetition arrears is an estimate and the Trustee shall pay the prepetition arrears based on the proof of claim as filed. Any claim filed for prepetition arrears shall be paid through the Plan over a reasonable period of time and pro-rata with other secured creditors without interest.

BY FILING THIS DOCUMENT, THE ATTORNEY FOR THE DEBTOR(S) OR DEBTOR(S) THEMSELVES, IF NOT REPRESENTED BY AN ATTORNEY, ALSO CERTIFY(IES) THAT THE WORDING AND ORDER OF THE PROVISIONS IN THIS CHAPTER 13 PLAN ARE IDENTICAL TO THOSE CONTAINED IN THE APPROVED MODEL PLAN PURSUANT TO LOCAL BANKRUPTCY RULE 3015(d) FOR THE WESTERN DISTRICT OF MICHIGAN BANKRUPTCY COURT, OTHER THAN ANY NONSTANDARD PROVISIONS INCLUDED IN PARAGRAPH IV.R.

Date: August 19, 2021

/s/Kenneth Earl Smith

Kenneth Earl Smith, Debtor

Date: August 19, 2021

/s/Aaron J. Kenyon

Aaron J. Kenyon (P67589), Counsel for the Debtor(s)

Robert W. Dietrich (P49704), Counsel for the Debtor(s)